IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/934,184
Filed: August 21, 2001
Inventor:
Sadler, et al.

Title: MESSAGE MANAGEMENT SYSTEMS AND METHOD

§ §

Examiner: Greene, Daniel L.
Group/Art Unit: 3621
Atty. Dkt. No: 5181-77301

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Rory D. Rankin
Name of Registered Representative

Signature 6/6/05 Date

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated below.

Applicant is in receipt of the Advisory Action mailed August 18, 2005. Claims 1-45 remain pending in the application. Reconsideration of the present case is earnestly requested in light of the following remarks.

Claims 1-11, 14-29, 32-42 and 44-45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,470,394 (hereinafter "Bamforth"), in view of U.S. Patent No. 5,455,865 (hereinafter "Perlman"), and in further view of U.S. Patent No.

5,619,500 (hereinafter "Heikali"). Applicant submits a prima facie case of obviousness has not been established. The following clear errors in the Examiner's rejection are noted.

At paragraph 1 on page 2 of the Office Action dated May 6, 2005, the examiner cites Heikali as disclosing particular features of independent claims 1, 15, and 44. For example, the Examiner states that Heikali discloses "writing into said attribute part data extracted from said received message and data indicative of a protocol by which the message was received." In support of the assertion that Heikali discloses these features, the following portions of Heikali are cited by the examiner:

> "[A]nother RISC processor 576 and other related circuitry on cell bus side 570 of SIM 401 receives and processes information from the ATM network via cell bus 403 and provides it to the user with the appropriate bandwidth and data protocol." (Heikali, col. 4, lines 5-10).
>
> "Appropriate information is contained in the incoming data stream from the ATM network to define the type of data being received, allowing the routing function of processor circuit 635 to route received data to the appropriate one of the FIFO circuits 638." (Heikali, col. 6, lines 30-36).

However, Applicant submits that the above disclosures do not teach or suggest the features for which they are offered. Rather, Heikali merely discloses providing information to a user with the appropriate bandwidth and data protocol, and discloses data in an incoming data stream which indicates the type of data being received. Therefore, the above recited features of the independent claims are not disclosed by Heikali as suggested.

In addition to the above, Heikali simply makes reference to various user protocols that may be translated to an ATM protocol in order to facilitate the operation of an ATM switch. For example, Heikali recites:

> "Also included in the ATM network 300 is a plurality of ATM gateways 302-1 through 302-N. Such ATM gateways include a plurality of ports for connection to a number of users utilizing any combination of a variety of

> standard protocols, such as a frame relay network user 302-1-1, SIP relay user 302-1-2, and the like. ATM gateway 302-1 interfaces between each of these sub T3 users, which require either T1 or fractional T1 bandwidths, and the ATM switch 301. ATM gateway 302-1 also provides any necessary translation between the various user protocols such as frame relay network, SIP relay, and the like, and the ATM protocol used by ATM network 300." (Heikali, col. 3, lines 12-22).

It may be seen from the above citation that Heikali teaches translating between protocols and a given user protocol may be converted to the ATM protocol for use within the ATM switch. However, Heikali does not disclose or suggest writing data indicative of a protocol by which the message was received into an attribute part of an internal format of the message. In contrast, Heikali discloses:

> "the ATM protocol requires ATM packets to include a connection ID indicating that this packet is part of a data connection between two specific ATM nodes. The connection ID contained within each ATM packet includes a virtual path ID (VPI) and a virtual connection ID (VCI). The VPI/VCI information is established in advance, based on the specific stations which are to communicate these packets, and the data rates capable by each of those stations. " (Heikali, col.7, lines 2-9)

Therefore, in converting a non-ATM protocol message to the ATM protocol, it may be required to write the connection ID into the ATM packet. However, the connection ID is not "data indicative of the protocol by which the message was received." It is well known that ATM communications involve pre-established connections. As recited above, the connection ID contains VPI/VCI information that is established in advance. Information that defines the type of data that will be communicated is contained in the portion of the incoming data stream that is used to establish the connection. However, that information does not need to be included in the message itself once the connection is established. Consequently, when a message is received, it is not necessary to determine the protocol by which it was received. Determining the connection ID alone is sufficient for the ATM switch to determine how to process the message and provide it to the user with the proper bandwidth and data protocol.

Further, Heikali does not suggest the above recited features. At page 2 of the Office Action dated May 6, 2005, the Examiner states with respect to Heikali that "a reference is to be considered not only for what it expressly states, but also for what it would reasonably have suggested to one of ordinary skill in the art." Applicant submits that Heikali does not suggest "writing into said attribute part data extracted from said received message and data indicative of a protocol by which the message was received." In fact, to determine the protocol by which a message was received and modify the ATM cells by writing data indicative of the protocol into the ATM protocol formatted message would run counter to the purposes of the ATM switching protocol which relies on being able to route fixed length cells based on a well specified, compact, fixed-length connection ID. Accordingly, Heikali does not suggest writing into said attribute part data extracted from said received message and data indicative of a protocol by which the message was received as recited. Accordingly, Heikali does not teach or suggest the features for which it is offered.

In addition to the above, Bamforth teaches away from adding protocol information to the fixed format (internal) message. For example, Bamforth discloses:

> "Conversion engine 203 may also **remove unnecessary protocol information from the data (step 405). The protocol information is generally not required in the fixed format message**, as the size and data type of the fields may be predefined or known. Conversion engine 203 assembles fixed format message and maps data from the Edifact or other variable field message to the fields in the fixed format message (step 406) by positioning the data, **typically without the protocol information**, in the corresponding fields for that data in the fixed format message." (Bamforth, col. 6, lines 46-56)

Further, neither does Perlman teach or suggest the above features. Rather, Perlman merely describes routing of packets that conform to one particular protocol, the format of which is illustrated in figures 3a, 4a, 6a, 6b, and 8a.

Accordingly, Applicant submits a prima facie case of obviousness has been established with respect to independent claim 1, 15, or 44. Therefore, each of these

claims, as well as their dependent claims, are patentably distinguishable from the cited art.

In view of the above comments, Applicant requests withdrawal of the rejections. Should the examiner believe there remain issues which would prevent the present application from proceeding to allowance, a telephone interview is requested by the below signed representative, at (512) 853-8866, in order to facilitate a resolution.

In light of the foregoing remarks, Applicant submits the application is in condition for allowance, and notice to that effect is respectfully requested. If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505/5181-77301/RDR.

Respectfully submitted,

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